

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

STUDENTS FOR FAIR ADMISSIONS, §
INC., §
§
Plaintiff, §
§
v. § **DEFENDANTS' THIRD
UNOPPOSED MOTION FOR
EXTENSION OF TIME**
UNIVERSITY OF NORTH CAROLINA, et §
al., §
§
Defendants.

Pursuant to Fed. R. Civ. P. 6(b), and with the consent of the Plaintiff, Defendants hereby request an enlargement of time in which to serve an answer or other response to Plaintiff's Complaint. In support of this motion, Defendants state the following:

1. On November 17, 2014, Plaintiff filed its Complaint against the University of North Carolina ("UNC System"), the UNC Board of Governors and its individual members, and President Thomas W. Ross (collectively "UNC System Defendants"). Plaintiff's Complaint also names as defendants the University of North Carolina at Chapel Hill ("UNC-Chapel Hill"), the UNC-Chapel Hill Board of Trustees and its individual members, Chancellor Carol Folt, Executive Vice Chancellor and Provost James W. Dean, Jr., and Vice Provost of Enrollment and Undergraduate Admissions Stephen M. Farmer (collectively "UNC-Chapel Hill Defendants").

2. The UNC System Defendants and the UNC-Chapel Hill Defendants, through counsel, agreed to waive service on November 21, 2014 and December 1, 2014,

respectively. Pursuant to Fed. R. Civ. P. 4(d)(3), the UNC System Defendants had until January 20, 2015 and the UNC-Chapel Hill Defendants until January 30, 2015 to file an answer or other response to Plaintiff's Complaint. On January 6, 2015, the Court granted Defendants' Unopposed Motion for Extension of Time and extended the responsive pleading deadline to March 6, 2015.

3. On March 4, 2015, the Defendants filed a second Unopposed Motion for Extension of Time seeking a 10-day extension of time to serve a response in light of Defendants' recent retention of outside counsel and ongoing discussions with Plaintiff's counsel regarding a potential narrowing and streamlining of the parties and claims in this case. The Court granted Defendants' motion on March 9, 2015, extending the responsive pleading deadline to March 16, 2015.

4. Defense counsel and counsel for the Plaintiff are continuing the above-referenced discussions and remain in the process of negotiating a proposed stipulation of dismissal of some of the claims and parties in this action, which will affect the form, scope, and content of Defendants' response. Due to the number of parties and claims in this case, additional time is needed for consideration of these matters as well as for counsel for Defendants to secure the necessary approvals to enter into the proposed stipulation of dismissal.

5. In light of the foregoing, Defendants seek a 4-day extension of time from March 16, 2015 to March 20, 2015 for all Defendants to respond to the Complaint.

6. Defendants do not seek the extension for any improper purpose.

7. Defense counsel has consulted with Plaintiff's counsel about the proposed extension. Plaintiff's counsel has indicated that Plaintiff agrees to the requested 4-day extension of time.

8. Both parties believe that their cooperative efforts to enter into a joint agreement to narrow and streamline the parties and claims in this case is in the interests of justice.

WHEREFORE, Defendants respectfully request the Court extend the deadline for serving their answer or other response up to and including March 20, 2015.

Respectfully submitted this 16th day of March, 2015.

/s/ Michael Scudder

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CERTIFICATE OF SERVICE

I hereby certify that on March 16 2015, I electronically filed the foregoing **DEFENDANTS' SECOND MOTION FOR EXTENSION OF TIME** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following registered CME/ECF users:

Thomas R. McCarthy
William S. Consovoy
J. Michael Connolly
CONSOVOY MCCARTHY PLLC

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Attorneys for Plaintiff

This 16th day of March 2015

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